

EX PARTE – FILED ELECTRONICALLY

March 28, 2007

Ms. Marlene Dortch, Esq.
Secretary - Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: FCC Docket 96-86 – Broadband Optimization Plan Support

Dear Ms. Dortch,

The undersigned (RPC Regions 8, 30, and 55, and the New York State Office for Technology – Statewide Wireless Network Program) hereby wish to reiterate their support of the 700 MHz band restructuring proposal – the “Broadband Optimization Plan” or BOP. We feel very strongly that the 700-MHz band should be restructured, and that a lack of action on this restructuring at this point would lead to a certain need for 700 MHz “rebanding” in the future. Further, this restructuring should be undertaken immediately, before the band is heavily utilized by public safety entities in their daily operations. The additional spectrum that would be made available to support public safety operations under the BOP would offer substantially enhanced capabilities to public safety entities in all areas of the country. In fact, there is no other plan that would offer any opportunity for broadband technology deployments in the U.S.-Canadian-border Regions.

We are extremely concerned that alternatives to the BOP are even under consideration; since the public safety community (including the undersigned) have steadfastly supported the BOP, and this support is on the record in this proceeding. Furthermore the solutions offered under the BOP in large part were driven by public safety, and the need to maintain both operational flexibility and interoperability – especially in the border areas.

As either direct or indirect stakeholders due to our border proximity and current system integration efforts, we have had our representatives directly involved for almost a year in the resolution of these matters with the BOP’s Technical Working Group. We therefore encourage the FCC to reach out to us directly in order to gain additional insight into the issues faced by us and other border areas licenses in finding a solution to the restructuring the 700 MHz public safety band. One thing is clear - unless Canada harmonizes with the US over the entire 700 MHz public safety allocation, there is no opportunity of record *outside of the BOP* that can offer a consistent set of dedicated voice channels across the entire US. This set of voice channels is critical to providing consistent and universal access to interoperability and mutual aid resources for public safety and for and coordinating disaster response.


We would also note that however the 700 MHz band is restructured, there are several conditions that must be accepted before such a restructuring could commence: (1) the restructuring must pose no financial cost to public safety entities, and (2) the

restructuring plan must provide operational continuity and be realizable in the border Regions. In order to resolve these issues in an equitable manner, the undersigned have actively participated in the 700 MHz Technical Working Group (TWG), and concurs with TWG Reports, their findings, and their recommendations. We feel that the BOP offers equitable solutions to both of these issues, and that these are achievable within the necessary timeframes for effective and timely (over the next 10-12 months) restructuring and international harmonization of the restructured band.

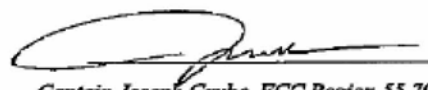
In order to meet Condition (1), the Guard Band Managers have already stepped up to bear these costs. It is now up to the Commission and Department of State to resolve the other, Condition (2) matters. It has been clearly shown by the work of the TWG that the BOP is not only a workable solution in the U.S.-Canadian-border Regions, but also a critical one — since the additional spectrum offers precious additional capacity to the spectrum-starved border areas. It should also be noted that any renegotiation of the Canadian letter of understanding (LoU) would need to address coexistence issues between broadband public safety services in the U.S. and digital and analog broadcast services in Canada.

We also wish to make clear that despite the reduction in interference potential that the BOP offers, it was also clear during the work of the TWG that there always was and still remains a significant interference potential from the C and D block allocations and their existing rules. Therefore, we will continue to work with the TWG and other stakeholders to develop proposals for coordination guidelines and interference mitigation procedures if such interference arises. The Commission should give these upcoming recommendations serious consideration — noting that since public safety systems will be operating with both 700 and 800 MHz spectrum resources simultaneously, existing 800 MHz policies might need to be extended to 700 MHz in order to provide similar protections.

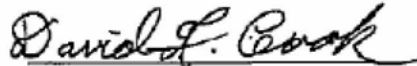
Sincerely,



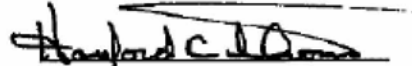
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Regional Planning Committee Chair*



*Captain Joseph Grube, FCC Region 55 700/800
Regional Planning Committee Chair*



*David Cook, FCC Region 30 700/800 Regional
Planning Committee Chair*



*Hanford Thomas, Director New York State
Statewide Wireless Network Program*

Cc:

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Commissioner Robert M. McDowell, FCC